

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
TIMOTHY DYKENS,)	
)	
Petitioner,)	
)	
v.)	Civil Action No. 04-10544-NMG
)	
PETER ALLEN,)	
)	
Respondent.)	
_____)	

**MOTION FOR ENLARGEMENT OF TIME
TO FILE ANSWER OR RESPONSIVE PLEADINGS TO
PETITION FOR WRIT OF HABEAS CORPUS**

The respondent, Peter Allen, Superintendent of MCI Cedar Junction, through counsel, respectfully moves this Court to enlarge the time in which to file an answer or other responsive pleading to the above-captioned petition for writ of habeas corpus to December 30, 2004. The answer is currently due on December 21, 2004. As grounds therefor, the respondent's attorney states:

1. Rule 5 of the Rules Governing Section 2254 Cases in the United States District Courts requires the respondent to answer each allegation of the complaint and state whether the petitioner has exhausted state remedies including post-conviction actions. The Rule also requires that the respondent indicate what transcripts or parts of state court proceedings are available.

2. To this end, the respondent's attorney requested the record of the petitioner's state court proceedings from the Essex County District Attorney's office. The district attorney's office has supplied the files of the state court proceedings but the respondent's attorney will require the additional time to sort through the state court briefs and determine whether the petitioner's

claims have been exhausted. Undersigned counsel also has a scheduled vacation the week of December 20, 2004.

WHEREFOR, the respondent respectfully moves this Court to enlarge the time for filing an answer or other responsive pleading in the above-captioned petition to December 30, 2004.

Respectfully submitted,

THOMAS F. REILLY
ATTORNEY GENERAL

/s/ Susanne G. Reardon
Susanne G. Reardon
Assistant Attorney General
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Dated: December 14, 2004

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon petitioner, at the address below on December 14, 2004, by depositing the copy in the office depository for collection and delivery by first-class mail, postage pre-paid, to him as follows:

Timothy Dykens, pro se
P.O. Box 100
South Walpole, MA 02071

/s/ Susanne G. Reardon
Susanne G. Reardon
Assistant Attorney General